



Memorandum # 20/2003

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission
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MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Eligibility for Membership of Elected Officials

DATE: June 12, 2003

An issue has arisen lately regarding the eligibility of compensated elected officials for membership in the retirement systems. The Commission has long opined that a compensated elected official is entitled to membership in the appropriate retirement system regardless of the amount of his or her compensation. G.L. c. 32, § 3(2)(vi) grants membership to:

Any person hereafter elected by popular vote to a state, county or municipal office or position who files with the board on a prescribed form a written application for membership within ninety days after the date of assuming office; provided, that a member becoming an elected official shall retain his membership and an elected official who is a member shall remain a member upon his re-election or upon his election or appointment to any other position which would otherwise entitle him to membership;

Elected officials, based on their election by direct vote of the people, must be treated differently than individuals who are hired or appointed. The retirement statute is replete with instances in which elected officials are granted rights and benefits different than that afforded to full or part time employees. Since the Legislature included a separate section covering the membership of elected officials, the provision concerning membership of less than full time employees, G.L. c. 32, § 3(2)(d), does not apply to elected officials.

Eligible elected officials have 90 days after assuming office to decide whether or not to become members of the retirement system. Once the 90 days have passed, an elected official would need to wait until he or she was reelected and again assumed office in order to join the system. While the statute does not require boards to notify elected officials of this right, many boards do notify newly elected officials in writing. Additionally, certain uncompensated elected officials may purchase their service under the provisions of G.L. c. 32, §§ 4(1)(o) and 4(1)(o½).

We trust the foregoing is of assistance. If you have further questions or concerns, please contact this office.